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Page 2/5

Page 25



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MUELLER & LARSON, P.C.
AN INTERNATIONAL INTELLECTUAL PROPERTY LAW FIRM

FAX TRANSMISSION September 15, 2008

TO: Mail Stop: ISSUE FEE
Examiner: A. LAVARIAS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

FROM: Douglas P. Mueller

OUR REF: 14434.0092USWO

TELEPHONE: (612) 455.3800

Total pages, including cover letter: 4

PTO FAX NUMBER: 571.273.2885

If all pages are NOT received, please call us at 612.455.3800 or fax us at 612.455.3801.

Title of Document: **Communication Regarding Prior Art (2 pgs); Copy of Original Postcard Receipt, dated December 20, 2005 (1 pg)**

Applicant: MIYAZAKI et al.
Serial No.: 10/561,489
App. Filed: March 15, 2006
Group Art No.: 2872
Con. No.: 6312

Please charge any additional fees or credit overpayment to Deposit Account No. 50-3478. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. 1/1

By: Douglas P. Mueller
Name: Douglas P. Mueller
Reg. No.: 30,300

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

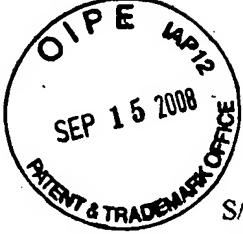
Mele Caufman

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September 15, 2008

Date

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S/N 10/561,489

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	MIYAZAKI et al.	Examiner:	A. LAVARIAS
Serial No.:	10/561,489	Group Art Unit:	2872
Filed:	March 15, 2006	Docket No.:	14434.0092USWO
Title:	LIGHT DIFFRACTION METHOD AND DIFFRACTION DEVICE, DIFFRACTION GRATING USED FOR THEM, AND POSITION ENCODING DEVICE		

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on September 15, 2008.

By: *Mele Cauffman*
Name: Mele Cauffman

COMMUNICATION REGARDING PRIOR ART

Mail Stop: ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

This is in response to the Communication mailed September 5, 2008 regarding the Information Disclosure Statement. Applicants initially filed an Information Disclosure Statement December 20, 2005, along with 4 references. The Notice of Allowance, dated August 7, 2008, did not acknowledge two non-patent literature documents. A Communication was filed August 14, 2008 in which the non-considered references were re-submitted. Applicants respectfully request consideration of the two non-patent literature documents, as they were first submitted with the initial filing of the application, where a statement under 37 CFR 1.97(e) or a fee set forth in 37 CFR 1.17(p) was not required. A copy of the original postcard receipt, dated December 20, 2005 is included with this communication, which indicates the Information Disclosure Statement and 4 references were filed with the application.



Applicants request confirmation that the references have been considered.

Respectfully submitted,



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Dated: September 15, 2008

By: 

Douglas P. Mueller
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Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant: MIYAZAKI et al.
Title: LIGHT DIFFRACTION METHOD AND DIFFRACTION DEVICE, DIFFRACTION
GRATING USED FOR THEM, AND POSITION ENCODING DEVICE
Docket: 14434.92USWO
Express Mail No.: ED 775296325 US
Date of Deposit: DECEMBER 20, 2005

10/561489

- Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
National Stage PCT Patent Application: Spec. 41 pgs; 15 claims; Abstract- 1 pg.
The fee has been calculated as shown below in the 'Claims as Filed' table.
- 12 sheets of formal drawings.
Check in the amount of \$1200.00 to cover the Filing Fee.
- Information Disclosure Statement, Form 1449, 4 Reference(s).
- Application Data Sheet, 4 pages.
- Other: Form PTO-1390, Preliminary Amendment, WO 2005/003823 A1, copy of the International Application is filed, translation of the International application into English, Communication re: Requested Figure, copy of International Search Report (Form PCT/ISA/210) in English and Japanese language, PCT Request (in Japanese language), Form PCT/IB/301, Form PCT/IB/304, Form PCT/IB/308 (2).
- Return postcard

Patent

DPM:nel

MAP3 Rec'd PCT/PTO 20 DEC 2005

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